IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 32803 of 2006(E)

PETITIONER:

P.MEETHIYAN KUNJU,
SENIOR ACCOUNTANT, ALWAYE URBAN CO-OP. BANK LTD.NO.1523, ALWAYE, ERNAKULAM.

BY ADV. SRI.P.P.JACOB
SRI.N.T.SATHYAVAN

RESPONDENTS:

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1. ALWAYE URBAN CO-OP. BANK LTD.NO.1523,
ALWAYE, ERNAKULAM,
REP. BY ITS GENERAL MANAGER.

2. THE JOINT REGISTRAR OF CO-OP SOCIETIES
(G), ERNAKULAM.

BY GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE PHOTOCOPY OF THE ORDER ISSUED BY SECOND RESPONDENT DATED 4.1.2006

EXT.P2- TRUE PHOTOCOPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT DTED 22.2.2006

EXT.P3- TRUE PHOTOCOPY OF THE STATEMENT FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 9.9.2006

EXT.P4- TRUE PHOTOCOPY OF THE REPORT PREPARED BY E.O.THANKAPPAN RETIRED JOINT REGISTRAR DATED 3.10.2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 32803/2006 (E)

Dated this the 5th day of February, 2007

JUDGMENT

The prayer of the writ petitioner is to direct the respondents to implement Ext.P1 and issue salary arrears due to the petitioner, as per the Higher Grade benefits with effect from 21.12.2002 to 15.2.2006, along with the pay revision benefits, immediately.

2. Notice had been ordered to the first respondent. Though the service is complete, there is no representation from the first respondent.

3. Ext.P1 is the order dated 4.1.2006 of the Registrar. Relying on resolution No.66 dated 9.5.2005 of the first respondent, the Urban Co-operative Bank, the Registrar had granted the second Higher Grade with effect from 21.12.2000, on the scale of 4425 - 125/2 – 4675 – 150/5 – 5425 – 175/6 – 6475 – 200/6 – 7675 – 225/4 – 8575/-.

4. However, under Ext.P2 dated 22.2.2006, the first respondent issued a communication that the excess salary

of Rs.1090/-, paid during the period from 1.7.2005 to 31.3.2006, will have to be recovered from the salary of the petitioner from the month of February, 2006.

5. In answer to Ext.P2, the writ petitioner filed Ext.P3 representation dated 9.9.2006, stating the details of his salary and requesting to rectify the anomalies in his salary from 1.4.2003 and also to pay him his dues.

6. It is complained of by the writ petitioner that Ext.P3 representation is still pending with the first respondent and no orders had so far been passed. It is also submitted that Ext.P1 is not brought into effect.

7. In the above facts situation, I direct the first respondent, bank, to consider Ext.P3 representation dated 9.9.2006, implement Ext.P1 dated 4.1.2006 of the Registrar, hear the writ petitioner and pass orders fixing the salary and other entitlements of the writ petitioner, as ordered by the Registrar under Ext.P1.

8. If any amount is due from the petitioner, the same shall be fixed after hearing him in the light of the explanation given by the petitioner in Ext.P3. The

directions herein shall be carried out within two months from the date of production of a certified copy of this judgment.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs